

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DANA O. RIEWESTAHL,

Plaintiff,

v.

SENECA FOODS CORPORATION,

Defendant.

ORDER

15-cv-805-jdp

Plaintiff Dana O. Riewestahl initiated this action against his current employer, defendant Seneca Foods Corporation, on December 16, 2015. Plaintiff alleges retaliation, discrimination, and interference in violation of the Family and Medical Leave Act, 29 U.S.C. §§ 2601-2654 (FMLA). Dkt. 1. Now defendant has moved to hold trial at the United States District Court for the Western District of Wisconsin at 500 South Barstow Street, Eau Claire, Wisconsin. Because holding the trial in Eau Claire will be convenient for the parties and witnesses and serve the interests of justice, the court will grant defendant's motion.

ANALYSIS

"A district court may order any civil action to be tried at any place within the division in which it is pending." 28 U.S.C. § 1404(c). The Eau Claire courthouse is one such place. 28 U.S.C. § 130(b) ("Court for the Western District [of Wisconsin] shall be held at Eau Claire, La Crosse, Madison, Superior, and Wausau."). The 28 U.S.C. § 1404(a) factors inform the court's discretionary decision. The court weighs "the convenience of parties and witnesses" and "the interest of justice" when determining whether to "transfer any civil action to any

other district or division where it might have been brought[,]” in this case, whether to hold trial in Eau Claire. 28 U.S.C. § 1404(a).

Here, the parties represent that: (1) plaintiff lives in Cumberland, Wisconsin; (2) the claims at issue in this case concern plaintiff’s employment at defendant’s Cumberland facility; (3) plaintiff’s key witnesses and healthcare providers reside and/or work in or around Cumberland and Rice Lake, Wisconsin; (4) defendant’s key witnesses work at defendant’s Cumberland facility; and (5) additional witnesses (including defendant’s insurance company) are located in Minneapolis and St. Paul, Minnesota. Although plaintiff is correct that counsel’s convenience should not influence the court’s decision (all attorneys of record are located in the Twin Cities), the parties’ and witnesses’ convenience weighs heavily in favor of holding trial in Eau Claire. Cumberland is approximately 70 miles from Eau Claire and 245 miles from Madison. Holding trial in Eau Claire will not only be more convenience for the parties and the witnesses, but it will save all involved significant time and money.

Plaintiff’s “choice of forum” arguments are unpersuasive. Plaintiff’s choice of forum may be entitled to some deference, but the forum is the Western District of Wisconsin, not the Madison courthouse located within the Western District of Wisconsin. The only difference between Eau Claire and Madison cited by plaintiff is the lack of courtroom technology in Eau Claire. But plaintiff does not show that courtroom technology would be particularly important in this case. The court will exercise its discretion to hold trial in Eau Claire, for the convenience of the parties and witnesses and to serve the interests of justice.

ORDER

IT IS ORDERED that:

1. Defendant Seneca Foods Corporation's motion for trial in Eau Claire, Dkt. 8, is GRANTED.
2. Trial will take place as previously scheduled at the United States District Court for the Western District of Wisconsin located in Eau Claire, Wisconsin.

Entered April 4, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge